

## Golden Gate University School of Law GGU Law Digital Commons

---

GGU Law Review Blog

Student Scholarship

---

3-2-2015

# Liability for CrossFit Trainers

Law Review

Golden Gate University School of Law, [lawreview@ggu.edu](mailto:lawreview@ggu.edu)

Follow this and additional works at: [http://digitalcommons.law.ggu.edu/ggu\\_law\\_review\\_blog](http://digitalcommons.law.ggu.edu/ggu_law_review_blog)



Part of the [Torts Commons](#)

---

### Recommended Citation

Law Review, "Liability for CrossFit Trainers" (2015). *GGU Law Review Blog*. Paper 32.  
[http://digitalcommons.law.ggu.edu/ggu\\_law\\_review\\_blog/32](http://digitalcommons.law.ggu.edu/ggu_law_review_blog/32)

This Blog Post is brought to you for free and open access by the Student Scholarship at GGU Law Digital Commons. It has been accepted for inclusion in GGU Law Review Blog by an authorized administrator of GGU Law Digital Commons. For more information, please contact [jfischer@ggu.edu](mailto:jfischer@ggu.edu).

# Golden Gate University Law Review Online

Accessible Legal Scholarship.

## Liability for CrossFit Trainers

March 2, 2015 · by [loripm](#) · in [GGU Law Review](#) ·



(<https://ggulawreview.files.wordpress.com/2015/03/crossfit.jpg>)

The author competing in a beginner's level CrossFit competition.

On the weekend of January 16, 2013, Kevin Ogar was paralyzed (<http://abcnews.go.com/US/crossfit-athletes-paralyzing-injury-renews-concerns-popular-sport/story?id=21555690>) during a Crossfit competition. He was completing a "snatch," where a competitor lifts a barbell from the ground over his head in one swift motion, when he let go of the barbell, it fell behind him, bounced (<http://abcnews.go.com/US/crossfit-athletes-paralyzing-injury-renews-concerns-popular-sport/story?id=21555690>) off a stack of weights, and then hit him in the back.

Some people might have called this incident a freak accident while others who have heard of Crossfit being dangerous (<http://breakingmuscle.com/crossfit/the-great-injury-debate-is-crossfit-dangerous-we-may-never-know>) might blame it on the inherent nature of Crossfit. People might look to blame the athlete for overestimating his strength or not having the proper

technique. But accidents in the sports world are not unique just to Crossfit. Out of the 30 million teens (14 and younger) who participate in organized sports, about 3.5 million experienced (<http://www.stanfordchildrens.org/en/topic/default?id=sports-injury-statistics-90-P02787>) injuries with the most common injury being sprains and strains. Many of the training aspects of Crossfit are included in other sports such as running, push-ups, sit-ups, and HIIT (high intensity interval training).

Crossfit is defined (<http://www.crossfit.com/cf-info/what-is-crossfit.html>) as “that which optimizes fitness (constantly varied functional movements performed at relatively high intensity).” As a Crossfit athlete, I can attest to its high intensity, sweat-inducing, and back-breaking workouts known as a WOD (Workout of the Day). Crossfit exercises include running, pull-ups, push-ups, sit-ups, barbell lifts, tire flipping, rope climbs, burpees, kettlebell swings, and wall balls. Workouts last from just a few minutes to over an hour. A study (<http://ojs.sagepub.com/content/2/4/2325967114531177.full>) from my alma mater, the University of Rochester, puts the rate of injury of Crossfit athletes at 20%, which seems reasonable based on my personal experience. These injuries could be minor such as a sprain or extend to more major injuries such as breaking a bone. In the year and a half I’ve been doing Crossfit, besides being incredibly sore and tired at times, I have only been injured once and it was more my own clumsiness that caused it than anything else. I was doing an exercise where you touch your foot on a bench and go back and forth between each foot, and I tripped myself, felt backward on my wrist, and sprained my wrist. It took my out of Crossfit for about 3-4 weeks.

Even though injuries in CrossFit are not unusual, just like they’re not unusual or unexpected in any physical activity, the main issue in this post is how much responsibility should a Crossfit trainer have if an athlete does get hurt?

To operate a Crossfit box, trainers only have to receive their level-1 Certification and pay a monthly fee to be an affiliate of CrossFit. The level-1 Certification (<http://www.crossfit.com/cf-info/certs.shtml>) encompasses a two-day training from 9am to 5pm and requires the person to pass the Level 1 test. The test ([http://www.crossfit.com/cf-seminars/CertRefs/TrainerCoursesFAQ\\_20131113.pdf](http://www.crossfit.com/cf-seminars/CertRefs/TrainerCoursesFAQ_20131113.pdf)) is a 55 question multiple-choice test about “core concepts, methodology, and foundational movements of CrossFit”. There is no prerequisite for skill level or experience training under a supervisor before you attend the class and take the test. While this may seem under-inclusive for someone to own, operate, and run a gym full of athletes at varying levels of skill, most of the people who start coaching have been training in Crossfit, or lifting for quite a while.

Comparing this certification to an athletic coach that might teach at a high school or coach a sport, most athletic coaches must have at least their bachelors, but many trainers have their masters ([http://education-portal.com/articles/Athletic\\_Trainer\\_Educational\\_Requirements\\_and\\_Career\\_Summary\\_for\\_the\\_Field\\_of\\_Athletic\\_Training.html](http://education-portal.com/articles/Athletic_Trainer_Educational_Requirements_and_Career_Summary_for_the_Field_of_Athletic_Training.html)) degree as well. This education includes both classroom and experiential learning with topics ([http://education-portal.com/articles/Athletic\\_Trainer\\_Educational\\_Requirements\\_and\\_Career\\_Summary\\_for\\_the\\_Field\\_of\\_Athletic\\_Training.html](http://education-portal.com/articles/Athletic_Trainer_Educational_Requirements_and_Career_Summary_for_the_Field_of_Athletic_Training.html)) such as “nutrition, kinesiology, biomechanics and exercise physiology.” In addition, many states require athletic trainers to be certified or licensed. The exam ([http://www.bocatc.org/images/stories/candidates/boc%20candidate%20handbook\\_jan2015%20vf.pdf](http://www.bocatc.org/images/stories/candidates/boc%20candidate%20handbook_jan2015%20vf.pdf)) for certification consists of 175 questions about injury/illness prevention and wellness protection, clinical evaluation and diagnosis, immediate and emergency care, treatment and rehabilitation, and organizational and professional health and well-being.

With Crossfit’s limited training, it’s easy to see how someone without prior knowledge, training, or experience might not be the most competent trainer especially when you add heavy weights and quick movements to the workout. That is why it’s important for a trainer to get supplemental information about preventing sports injury, proper mobility, Olympic lifts, and overall nutrition and fitness.

In addition to having more knowledge, training, and experience with coaching amateur athletes, trainers may attempt to waive liability for negligence by having an athlete sign a waiver. Negligence (<https://www.law.cornell.edu/wex/negligence>) is “a failure to behave with the level of care that someone of ordinary prudence would have exercised under the same circumstances.” In CrossFit, that would be maintaining equipment, being competent to teach CrossFit, observing students, and making sure students are safe. However these waivers don’t excuse gross-negligence. Gross-negligence (<http://dictionary.law.com/Default.aspx?selected=838>) is “carelessness which is in reckless disregard for the safety or lives of others, and is so great it appears to be a conscious violation of other people’s rights to safety. It is more than simple inadvertence, but it is just shy of being intentionally evil.” For example, if your trainer knows a piece of equipment is broken and knows that you using that could cause substantial injury and still has you use it anyway; you may still sue ([http://expertbeacon.com/signing-waiver-you-should-consider-expert-advice/#.Uv\\_2X3lbTwI](http://expertbeacon.com/signing-waiver-you-should-consider-expert-advice/#.Uv_2X3lbTwI)) that trainer for gross-negligence even though you have signed a waiver. However you would not be able to sue a trainer for lifting a bar that was too heavy for you. Think of these waivers as the same type of document you would sign if you went rock climbing, or white-water river rafting.

Ultimately, it’s up to a trainer to protect his or her Crossfit box. When a trainer potentially gets sued, the court is going to look into such things as the trainer’s knowledge, experience, and involvement in the class; the quality of the “box” (Crossfit for gym); other injuries; the size of the class; the maintenance of the equipment, etc. The most important part of protecting your box is having the proper training to teach your athletes and good equipment. That means not just going to the Crossfit Level 1

certification, but going to other seminars, conducting your own research, and learning how to analyze and improve someone's technique. Just because a trainer may be able to perform a move perfectly doesn't necessarily mean they can teach another person. Teaching requires adapting to your students' learning process, demonstrating movements, and correcting movements on your athletes.

The next most important part is implementing a program that teaches athletes how to do proper lifts, monitoring them and making adjustments throughout the entire workout, and ensuring that each part of the workout is done safely and within that athlete's ability. Finally, an athlete has a responsibility to listen to their body and communicate with their trainer to ensure that are Cross-fitting safely. When you are tired, don't go to a high intensity class. Instead supplement your workouts with hikes, long runs, or mobility.

Crossfit has kicked me into the best shape of my life. I want others to feel the same way and most importantly, I want others to be able to learn to Crossfit safely and effectively. It's up to trainers to expand about their skills and knowledge, and maintain their box. That way, when a newbie walks into the box and is required to do a snatch for the WOD, they have the ease and skill to do it because their trainer has demonstrated the Olympic lift, has observed him or her perform the movement and made suggestions for how to improve. We might not all be [Rich Froning \(https://www.youtube.com/watch?v=POpA4ASP0VY\)](https://www.youtube.com/watch?v=POpA4ASP0VY), but we can all improve our [Fran \(https://www.youtube.com/watch?v=VShHz27OxeU\)](https://www.youtube.com/watch?v=VShHz27OxeU) time.

Tags: [certification](#), [CrossFit](#), [liability](#), [personal injury](#)

[Blog at WordPress.com.](#) | [The Oxygen Theme.](#)